

IC 32-21-6

Chapter 6. Psychologically Affected Properties

IC 32-21-6-1

"Agent" defined

Sec. 1. As used in this chapter, "agent" means a real estate agent or other person acting on behalf of the owner or transferee of real estate or acting as a limited agent.

As added by P.L.2-2002, SEC.6.

IC 32-21-6-2

"Limited agent" defined

Sec. 2. As used in this chapter, "limited agent" means an agent who, with the written and informed consent of all parties to a real estate transaction, is engaged by both the seller and buyer or both the landlord and tenant.

As added by P.L.2-2002, SEC.6.

IC 32-21-6-3

"Psychologically affected property" defined

Sec. 3. As used in this chapter, "psychologically affected property" includes real estate or a dwelling that is for sale, rent, or lease and to which one (1) or more of the following facts or a reasonable suspicion of facts apply:

- (1) That an occupant of the property was afflicted with or died from a disease related to the human immunodeficiency virus (HIV).
- (2) That an individual died on the property.
- (3) That the property was the site of:
 - (A) a felony under IC 35;
 - (B) criminal gang (as defined in IC 35-45-9-1) activity;
 - (C) the discharge of a firearm involving a law enforcement officer while engaged in the officer's official duties; or
 - (D) the illegal manufacture or distribution of a controlled substance.

As added by P.L.2-2002, SEC.6.

IC 32-21-6-4

"Transferee" defined

Sec. 4. As used in this chapter, "transferee" means a purchaser, tenant, lessee, prospective purchaser, prospective tenant, or prospective lessee of the real estate or dwelling.

As added by P.L.2-2002, SEC.6.

IC 32-21-6-5

Disclosure not required

Sec. 5. An owner or agent is not required to disclose to a transferee any knowledge of a psychologically affected property in a real estate transaction.

As added by P.L.2-2002, SEC.6.

IC 32-21-6-6**Refusal to disclose; misrepresentation**

Sec. 6. An owner or agent is not liable for the refusal to disclose to a transferee:

- (1) that a dwelling or real estate is a psychologically affected property; or
- (2) details concerning the psychologically affected nature of the dwelling or real estate.

However, an owner or agent may not intentionally misrepresent a fact concerning a psychologically affected property in response to a direct inquiry from a transferee.

As added by P.L.2-2002, SEC.6.